REMARKS

Claims 1-4, 7-8, 17, 19-38, 43-56, and 58-65 are pending in the application. Claims 18 and 57 have been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

I.   INTERVIEW SUMMARY

Applicants wish to thank the Examiner for the interview conducted on February 24, 2010. During the interview, the Examiner and Applicants' attorneys discussed the outstanding rejections of the claims under 35 U.S.C. §§ 102 and 112. The specific matters discussed during the interview are addressed in the Remarks below.

II.   REJECTIONS UNDER 35 U.S.C. § 112

Claims 1, 17, 27, 30, 47, and 56 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, with regards to Claims 1, 17, 27, and 30, the Examiner cites the limitations "where a first state is associated with an inability to execute the software so that the print mechanism does not include the functionality" and " [the] second state associated with an ability to execute the software so that the print mechanism include[s] the functionality" asserting that nowhere in the specification or drawings do the Applicants explain that a first or second state of a print mechanism is associated with the inability or ability of the print mechanism to perform some functionality. With regards to Claims 47 and 56, the Examiner cites the limitations "where a first state is associated with a first capability level of the functionality such that the print mechanism is operated in accordance with the first capability level" and "the second state associated with an ability to execute the software

so that the print mechanism includes the modified capability level of the functionality" asserting

that nowhere in the specification or drawings do the Applicants explain that the first state is

associated with a first capability level and a second state is associated with an ability to execute

the software which includes the modified capability level of the functionality. These rejections

are respectfully traversed.

The printer disclosed in the present application provides a user with the ability to select

and enable certain capabilities of the printer in conjunction with an external device, such as a

server. The capabilities may include performance capabilities such as increased print speed or

resolution, upgrade capabilities such as software or hardware upgrades, functional capabilities

such as enabling a facsimile or scanner function, and renewable capabilities such as enabling

expired or used-up features. In response to receiving a request for a particular capability from a

user, the server may collect payment information associated with the capability prior to enabling

the capability in the printer. (See Specification, Pg. 3, Lines 1-10). As noted above, a functional

capability such as a facsimile of the printer or a performance capability such as in increased print

resolution may be enabled. Applicants note that with regards to Claims 1, 17, 27, and 30, a "first

state" of operation, for example, of the facsimile functionality may be associated with an

inability to execute software such that the print mechanism does not include the facsimile

functionality. With regards to Claims 47 and 56, "a first capability level", for example, of the

print resolution of the printer may be a default print resolution (i.e., an unmodified or non-

upgraded print resolution capability).

As further described at page 9, lines 19-28 of the specification as filed, in response to

receiving and verifying payment or billing information associated with a user selection (e.g., the

facsimile functionality or a modified print resolution capability), a server provides information

associated with the selected capability to the computer system which transmits the information to the printer. The information received by the printer may include one or more encryption keys configured to enable the selected capability of the printer. The encryption key serves to "unlock" or make available software resident at the printer so that the software may be executed. With regards to Claims 1, 17, 27, and 30, the "second state" of operation is associated with an ability to execute the software associated with the facsimile functionality based on receipt of encryption key(s). With regards to Claims 47 and 56, the "second state" of operation is associated with an ability to execute the software associated with the modified print resolution capability.

For at least these reasons, reconsideration and withdrawal of the § 112, first paragraph rejections against Claims 1, 17, 27, 30, 47, and 56 their respective dependent claims is respectfully requested.

III.   REJECTIONS 35 U.S.C. §§ 102 AND 103

Claims 1-3, 7-8, 17-19, 26-28, 30-32, 43-46, 47-48, 50-51, and 54-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2003/0058471 to Okubo. Claims 4, 20-25, 33-34, 49, 52-53, 59, and 60-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okubo in view of U.S. Patent Publication No. 2001/0034747 to Fujitani. Applicants respectfully traverse these rejections for at least the reasons set forth below.

A. Independent Claim 1

Amended independent Claim 1 recites a system that includes, in relevant part:

> at least one memory comprising software, the software when executed performing a functionality for the print mechanism,
> the memory further comprising instructions executable by the processor to cause the processor to:

> receive a list of selectable functionalities from a server, the list including a
> second state of operation of the functionality;
> present the list of selectable functionalities to a user.

Emphasis added. At a minimum, the Okubo reference fails to disclose or suggest these

underlined features.

In the rejection, the Office Action asserts that the operation of the CPU 11 of the printer

controller 10, depicted in Figure 2 of Okubo, discloses the operations of the processor recited in

independent Claim 1. However, the Okubo reference, at a minimum, fails to teach or suggest

instructions that cause a processor to receive a list of selectable functionalities from a server and

present the list of selectable functionalities to a user as recited in Claim 1. As noted in the Office

Action, Okubo merely discloses the initiation of a printing operation by a user via the PC 21 (i.e.,

the alleged user selection recited in the claims). However, Okubo lacks any mention of

establishing communication between the CPU 11 and the server 7 prior to the initiation of the

printing operation, let alone receiving a list of functionalities from the server 7 where the list

includes the operations discussed above. Since Okubo fails to teach or suggest receiving a list of

functionalities from the server 7, it necessarily follows that Okubo further fails to disclose

presenting the list received from the server 7 to a user of the multifunction-peripheral apparatus 1

as presently claimed.

For at least the reasons cited, Applicants respectfully submit that Okubo fails to

anticipate independent Claim 1. As such, Applicants respectfully request that the rejection of

independent Claim 1 and its dependent claims be withdrawn.

B. Independent Claim 17

Independent Claim 17 recites a method that includes, in relevant part, receiving a list of

selectable functionalities from a server and presenting the list of selectable functionalities to a

user. Independent Claim 17 recites features not shown or described in Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 17 and its dependent claims be withdrawn.

C. Independent Claim 27

Independent Claim 27 recites a method that includes, in relevant part, receiving a list of selectable functionalities from a server and presenting the list of selectable functionalities to a user. Independent Claim 27 recites features not shown or described in Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 27 and its dependent claims be withdrawn.

D. Independent Claim 30

Independent Claim 30 recites a system that includes, in relevant part, a processor and at least one memory that comprises software that, when executed, performs a functionality for a functional unit. The memory further comprises instructions executable by the processor to cause the processor to receive a list of selectable functionalities from a server where the list includes a functionality and present the list of selectable functionalities to a user. Independent Claim 30 recites features not shown or described in Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 30 and its dependent claims be withdrawn.

E. Independent Claim 47

Independent Claim 47 recites a system that includes, in relevant part, a processor and at least one memory that comprises software that, when executed, enabling a modified capability level of a functionality for a print mechanism. The memory further comprises instructions executable by the processor to cause the processor to receive a list of selectable functionalities

from a server and present the list of selectable functionalities to a user. Independent Claim 47

recites features not shown or described in Okubo, as discussed above with reference to Claim 1.

As such, Applicants respectfully request that the rejection of independent Claim 47 and its

dependent claims be withdrawn.

F. Independent Claim 56

Independent Claim 56 recites a method that includes, in relevant part,

receiving a list of selectable functionalities from a server and presenting the list of selectable

functionalities to a user. Independent Claim 56 recites features not shown or described in

Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request

that the rejection of independent Claim 56 and its dependent claims be withdrawn.

IV.   CONCLUSION

At least in view of the foregoing remarks, Applicants respectfully submit that the present

application is in condition for allowance. Reconsideration is respectfully requested. If the

Examiner has any questions, the Examiner is invited to contact the undersigned attorney at (312)

321-4200.

Respectfully submitted,

April 13, 2010   /Abhishek Rastogi/
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